

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

APR 15 2004

CLERK, U.S. DISTRICT COURT
4:02-CV-0188-Y
DEPUTY

KIM W. LUBKE

§

v.

§

§ CIVIL ACTION NO:

§

CITY OF ARLINGTON

§

VERDICT FORM

You are to answer the following questions based upon a preponderance of the evidence as set out in Instruction No. 1.

Question No. 1.

Do you find that the City of Arlington denied Kim Lubke's right, if any, to FMLA leave to care for his wife on the Y2K weekend in violation of the FMLA as set out in Instruction No. 11?

Answer: X Yes No

If you answer yes as to Question No. 1, above, then proceed to Question No. 2; otherwise, skip to Question No. 3.

Question No. 2.

State the amount of money, if any, if now paid in cash for any wages, salary, and/or **employment benefits** that Kim Lubke was denied as a result of the City's denial of Kim Lubke's rights to leave under the FMLA

\$ 281.00 for wages and/or salary
\$ 113.00 for **employment benefits**.

Question No. 3.

Do you find that the City of Arlington discharged Kim Lubke in violation of the FMLA as set out in Instruction No. 12?

Answer: X Yes No

Question No. 4.

State the amount of money, if any, if paid now in cash for any wages, salary, and/or **employment benefits** that would fairly and reasonably compensate Kim Lubke for the damages caused to him by reason of the City's discharge of him in violation of the FMLA.

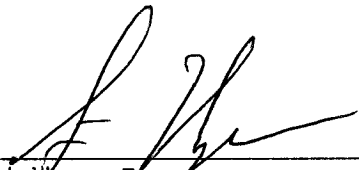
Answer:

\$ 286,000.00 for wages and/or salary, and
\$ 109,000.00 for **employment benefits**.

Question No. 5.

Having found that the City discharged Kim Lubke in violation of the FMLA, do you find by a preponderance of the evidence that the City would have discharged him anyway for other reasons entirely?

Answer: _____ Yes X No



Presiding Juror